

## LAWS50106 Murder

<b>Credit Points:</b>	12.50															
<b>Level:</b>	5 (Graduate/Postgraduate)															
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.															
<b>Time Commitment:</b>	Contact Hours: 27 hours. Total Time Commitment: 144 hours. 2 hour weekly classes and occasional 1 hour group supervisions.															
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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<b>Corequisites:</b>	None.															
<b>Recommended Background Knowledge:</b>	None.															
<b>Non Allowed Subjects:</b>	None.															
<b>Core Participation Requirements:</b>	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>															
<b>Coordinator:</b>	Assoc Prof Peter Rush															
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475															
<b>Subject Overview:</b>	Murder is one of the most prominent crimes in the legal calendar, and it has provided a recurrent reference point for literature, cinema, television, photography, the arts and the humanities more generally. Using examples from legal and public culture, this subject examines in depth the ways in which we make sense of law, crime and killing.															

Drawing from the disciplines of jurisprudence, socio-legal studies, psychoanalysis and the humanities, the subject begins with the doctrinal history of murder and allied crimes in order to present the central concepts of the law of homicide and of this subject. It then moves to consider the processes of proof and punishment of murder, before turning to an in-depth study of a variety of specific legal and cultural forms of murder (such as mass murder, corporate homicide, and family violence).

The overall themes of the subject are three: encounters between legal and cultural responses to the crime of murder; the nature of the difficulties that murder presents for criminal law and public culture; narratives of community, memory and responsibility constructed by responses to murder and its aftermath.

These themes will be explored through an in depth treatment of the complex problems and forms of knowledge from a range of illustrative topics. In any given year, topics will be chosen from amongst the following:

- # The public spectacle of homicide;
- # Relations between murder and law, and the limits of homicide;
- # Defensive homicide and other defences (including insanity, diminished responsibility and provocation);
- # Punishment and homicide;
- # The jurisprudence of the death penalty;
- # Proof of murder, and determinations of life and death;
- # Murder, euthanasia, and medico-legal problems in criminal law;
- # Homicide and hate crimes;
- # Multiple murder and atrocity, including examples from the law and public culture of 'mass murder', 'serial killing', terrorism, and genocide;
- # Family violence and conjugal homicide; and
- # Corporate killings and workplace deaths (including environmental disasters).

Examples will be drawn from legal texts and judgments, and from literature, film, and the arts. In this way, the subject compares and integrates the responses of criminal law and public culture in making sense of law, crime and killing.

#### Objectives:

A student who has successfully completed this subject should have an advanced understanding of the law and public culture of murder, as well as be able to critically analyse, engage with, and evaluate to a high standard the forms of representation, bodies of knowledge and practices that compose this specialised area of legal study. This specifically includes an expert understanding, analysis and evaluation of:

- # A variety of representations of murder in criminal law and public culture, together with the complex concepts, knowledge-sets and values used in understanding them;
- # The integration of and disjunctions between various contemporary and historical representations of murder;
- # The limits and difficulties of the concepts and categories of the law of murder and allied offences, with specific reference to their various histories;
- # The institutionalised legal regimes for responding to the crime of murder, with specific reference to pre-trial, trial and punishment processes; as well as their relation to arrangements in other legal fields (eg coroners courts, medico-legal approaches);
- # The distinctive shape of a variety of social genres and legal forms of murder, such as conjugal homicide, hate crime, mass murder;
- # The complex interactions between the responses to murder by criminal law and in public culture; and
- # Interdisciplinary approaches to law, and specifically the criminal law of murder.

In addition, a student who has completed the subject will have obtained:

- # A rich and nuanced appreciation of the complexity and variety of the current scholarship on murder, and its contribution to the current criminal law and public culture;
- # A specialised and integrated knowledge of crime and the law of murder, and its intersections with other legal areas as well as public culture;
- # In-depth knowledge of and research on at least one specific response to the crime of murder;
- # The ability to analyse complex problems of criminal law from a variety of perspectives, as well as the capacity to exhibit a well developed judgment on the worth of those perspectives for scholarly understanding;

	# The capacity to independently conduct further specialised research in criminal law, whether in higher education or in professional practice.
<b>Assessment:</b>	<p>Topic Proposal: A written proposal, 1,000 words, for the Research Essay. This is assessed on a pass/resubmit basis. It is required that this topic proposal clearly identify the topic of the proposed essay; present the themes of the essay; cogently demonstrate the worth of the chosen approach; as well as present a brief outline of the body of knowledge with which the essay will engage in an advanced manner. This task is a hurdle requirement: in order for the research essay to be accepted as submitted, the Topic Proposal must be submitted and accepted to have passed. Feedback on the submitted proposal will be provided, indicating directions for further developing the topic for the purposes of the research essay, as well as areas for further work and improvement. Research Essay: A 5,000 word research essay, on a topic chosen and independently developed by the student and approved by the subject coordinator. The essay is worth 100% of the mark for the subject. This research essay is expected to demonstrate a highly advanced understanding of the criminal law and public culture of murder. In particular, it is expected that students will generate complex argumentation, evaluate the forms and values of knowledge relevant to the subject, as well as demonstrate creativity and initiative in the development of their understanding of the issues addressed in the essay.</p>
<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School; Supplementary materials may also be provided online on LMS.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed and demonstrated their skills in the following areas:</p> <ul style="list-style-type: none"> <li># Specialist interdisciplinary knowledge of the representation of murder in law and public culture;</li> <li># Investigation, analysis and evaluation of the institutional, representational, and ethical issues that are engaged by murder;</li> <li># Ability to respond to and effectively communicate – in both oral and written forms - cogent and nuanced arguments concerning the variety of ways in which law and culture intersect in particular substantive responses to murder;</li> <li># Conducting in-depth research independently and at a high level, including the ability to generate complex ideas and form well-developed judgments as to the worth of those ideas for thinking about and understanding the law and culture of murder;</li> <li># Carrying out interdisciplinary analysis based on jurisprudence and the humanities of a particular problem or topic that is germane to the legal and cultural understanding of murder;</li> <li># Writing up research which presents an extended argument that is informed by and integrates current scholarship in criminal law and the humanities; and</li> <li># Exercise professional judgment in responding to the questions of law raised by the legal and culture life of murder.</li> </ul>